

AN ORDINANCE 2008 - 04 - 03 - 0265

**AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF
THE CITY CODE OF SAN ANTONIO, TEXAS ADOPTING
PROCEDURES TO DEFINE AND SPECIFY LOCATIONAL
CRITERIA FOR PAYDAY LOAN AGENCIES AND CHECK
CASHING FACILITIES AS REQUESTED BY COUNCIL
MEMBER MCNEIL, DISTRICT 2**

* * * * *

WHEREAS, Council Member McNeil, District 2 submitted a Council Consideration Request to adopt procedures to define and specify locational criteria for payday loan agencies and check cashing facilities; and

WHEREAS, the Planning Commission has recommended approval of adopting procedures to define and specify locational criteria for payday loan agencies and check cashing facilities; and

WHEREAS, the Zoning Commission has requested that additional information be provided from the Office of the City Council Member who initiated the request of the amendment; and

WHEREAS, City Council now desires to amend the Unified Development Code to adopt procedures to define and specify locational criteria for payday loan agencies and check cashing facilities; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35 of the City Code of San Antonio, Texas is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 35 of the City Code of San Antonio, Texas is hereby amended as follows:

Chapter 35, Appendix A: Definitions and Rules of Interpretation, is amended by adding:

APPENDIX A: DEFINITIONS AND RULES OF INTERPRETATION
Sec. 35-A101. Generally.

Check Cashing Facility – a person or business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same

purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings and loan association, credit union, or industrial loan company.

Pay-Day Loan Agency – an establishment providing loans to individuals in exchange for personal checks as collateral.

Chapter 35, Article III, Division 2, Use Regulations Table, is amended as follows:

35-311 Use Regulations

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD (LBCS Function)
Service	Loan Office	P	P	P	P	P	P	P				P 2200
Service	Check Cashing Facility				S	S	S					P 2600
Service	Pay-Day Loan Agency				S	S	S					P 2220

Chapter 35, Article III, Division 7, is amended as by adding Section 35-394 as follows:

DIVISION 7 – SUPPLEMENTAL USE REGULATIONS

Sec. 35-394. Check Cashing Facilities and Pay-Day Loan Agencies

Check cashing facilities and pay-day loan agencies shall comply with the following requirements:

- (a) Hours of operation shall be established by City Council as part of a Specific Use Authorization.
- (b) There shall be no outdoor queuing; an indoor waiting area large enough to accommodate all customers shall be provided.

SECTION 3. All other provisions of Chapter 35 of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. Notice of these changes to the Unified Development Code shall not require the publication in an official newspaper of general circulation in accordance with Chapter 35, Article IV, Division 1, Table 403-1.


SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance shall become effective the 13th day of April, 2008

PASSED AND APPROVED this the 3rd day of April, 2008.

ATTEST:


City Clerk


M A Y O R
PHIL HARDBERGER

APPROVED AS TO FORM:


for City Attorney